IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1530 of 2005

Between:

V.P.S. Obula Reddy, S/o Obula Reddy,
S.Uppalapadu (V),Jammalamadugu (M), Cuddapah District.

..... PETITIONER

AND

1 The Joint Collector, Cuddapah.
2 The Revenue Divisional Officer, Jammalamadugu, Cuddapah District.
3 The Mandal Revenue Officer, Jammalamadugu Revenue Mandal, Jammalamadugu, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the 1st respondent to pass appropriate orders in the appeal filed by the petitioner against the Proceedings of the 2nd respondent, vide Ref.No.B/808/04, dt. 27-11-2004, and consequently directing the respondents not to give effect to the proceedings in Ref.No. B/808/04, dt. 27-11-2004 of the 2nd respondent, pending appeal and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.NAGARAJU NAGURU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

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The authorization of the petitioner as a fair price shop dealer for S.Uppalapadu Village, Jammalamadugu Mandal, Kadapa District, was cancelled by the 2nd respondent through his order, dated 27.11.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent together with an application for stay. The 1st respondent rejected the prayer for stay through his order, dated 03.01.2005. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner availed the remedy of appeal aggrieved by the order of cancellation of his dealership. Grant of interim orders in the appeals preferred against the orders of cancellation, or orders appointing an individual as dealer, is almost a rarity. The reason is that, the validity of the orders so appealed needs to be considered at the hearing of the appeal, and it is impermissible to ignore the same till they are set-aside on merits. It is only in exceptional cases, such as, where the order of cancellation is passed without issuing any notice, or where it is passed by an authority not vested with the power, that the appellate authority can consider the feasibility of granting interim order. Such circumstances do not exist in the present case.

Hence, the writ petition is dismissed, but directing the 1st respondent to dispose of the appeal, within six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 14.02.2005

TS

To

1 The Joint Collector, Cuddapah.
2 The Revenue Divisional Officer, Jammalamadugu, Cuddapah District.
3 The Mandal Revenue Officer, Jammalamadugu Revenue Mandal, Jammalamadugu, Cuddapah District.

4 2 CCs to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)

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